IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : March 26, 2007

Rohit Sharma ....Petitioner

versus

Union of India and others ....Respondents

Coram: Hon'ble Mr. Justice Virender Singh

Present : Mr. Anuj Sharma, Advocate, for the petitioner
Mr. R.S.Rai, Senior Standing Counsel U.T. Chandigarh with
Mr. Gautam Dutt, Advocate

Petitioner is booked in case FIR No. 338 dated 26.10.2006, under sections 419, 420 IPC, registered at Police Station Sector 39, Chandigarh, at the instance of respondent no. 3. Through the instant petition, he is seeking quashing of the FIR primarily on the basis of the compromise arrived at between him and respondent no. 3.

Pursuant to notice, Mr.Rai has put in appearance on behalf of respondent no. 2 whereas complainant Inderbeer Singh (respondent No. 3) is present in person. He has been identified by the Investigating Officer, SI Baljit Singh.

Mr. Sharma submits that the petitioner has also attached affidavit Annexure P/2, dated 15.3.2007 in respect of the compromise already arrived at between the parties. The affidavit Annexure P/2 in original is shown to Inderbeer Singh and he admits the contents of the said affidavit and the signatures. He, further makes a statement that he has settled the dispute with the petitioner and has no objection if the instant FIR registered at his instance is quashed.

Learned counsel otherwise state that the offences (sections 419 and 420 IPC) for which the petitioner is booked are compoundable with the permission of the Court.

Mr. Rai after getting latest instructions from SI Baljit Singh makes a statement at the Bar that the present case is still at investigation stage.

Learned counsel for the petitioner in support of his case relies upon a judgment of Hon'ble Apex Court rendered in **CBI New Delhi vs Duncans Agro Industries Ltd. Calcutta,** 1996 (3) RCR (Criminal) 60.

In the given circumstances of the case, in my view, continuation of the proceedings in the instant case would amount to un-necessary harassment and agony to the parties with no positive result for either side. In other words , it would amount to abuse of process of court and therefore, in order to secure the ends of justice, the instant FIR and all the subsequent proceedings arising therefrom are liable to be quashed.

Resultantly, the instant petition is allowed. FIR No. 338 dated 26.10.2006, under sections 419, 420 IPC, registered at Police Station Sector 39, Chandigarh, and all subsequent proceedings arising there from are quashed qua the petitioner.

(Virender Singh)
Judge

March 26, 2007
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